

THIRTEENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
October 4, 1935.

The Senate met at 10 o'clock a. m. pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

Senate Bill No. 17.

Pending business was S. B. No. 17 with pending amendment by Senator Poage.

The pending amendment was adopted by viva voce vote.

Senate Bill No. 45.

Senator Hornsby received unanimous consent to suspend the regular order of business and sent up the following local bill:

By Senator Hornsby:

S. B. No. 45, A bill to be entitled "An Act creating a more efficient road law for Lampasas County, Texas, authorizing the court to require surety bonds of road overseers, validating the proceedings heretofore had by the County, and by its officials in reference to the issuance of warrants for the purchase of right of way, and validating the proceedings and other actions taken by the County and its officials in reference to the issuance of funding bonds in lieu of certain warrants, making this Act cumulative of other laws, except in case of conflict, in which instance this Act shall be effective, and declaring an emergency."

Read and referred to the Committee on Civil Jurisprudence.

Senate Bill No. 46.

By Senator Holbrook:

S. B. No. 46, A bill to be entitled "An Act to aid Wharton County comprising one district and that portion of Matagorda County embraced in

commissioners' precincts numbers one, two and four as described in the minutes of the commissioners' court of said county, comprising another district for the remaining portion of the period of time covered by the release of taxes to said district as made by Chapter 48, Acts Thirty-eighth Legislature, First, Second and Third Called Sessions, page 102 to 105 (Senate Bill No. 54) by donating and appropriating to said districts all the State ad valorem taxes levied and collected in said districts for general State purposes on all property, both real and personal, in said districts for the purpose of creating a fund for the payment of interest upon and creating a sinking fund for that certain issue or issues of bonds that were voted and issued under the authority of Chapter 48, Acts Thirty-eighth Legislature, First, Second and Third Called Sessions and declaring an emergency."

Read and referred to the Committee on Finance.

Senate Bill No. 24.

Senator Beck received unanimous consent to suspend the regular order of business, for consideration at this time of S. B. No. 24.

The Chair laid before the Senate on its second reading the following bill:

By Senator Redditt:

S. B. No. 24, A bill to be entitled "An Act making appropriations to State eleemosynary institutions for the fiscal years ending August 31, 1936, and August 31, 1937, for the purpose of supplementing salaries of certain officers and employees; providing for the manner of supplementing said salaries; providing that if any section, clause, or part of the Act be held invalid, other sections and parts of the Act shall not be affected, and declaring an emergency."

Senator Redditt sent up the following amendments:

Amend S. B. No. 24 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That the following sums of money herein specified, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to the several State Eleemosynary Institutions named herein for each of the fiscal years ending August 31, 1936, and August 31, 1937, for the purpose of

supplementing salaries of certain officers and employees whose salaries were heretofore appropriated and legally fixed for said fiscal years, and which amounts herein appropriated are to be paid in equal monthly installments as hereinafter provided, beginning November 1, 1935, as follows:

ABILENE STATE HOSPITAL.

	For the Years Ending	
	August 31, 1936	August 31, 1937
Salary of:		
Superintendent	\$ 708.00	\$ 850.00
Assistant Superintendent and Physician	266.00	320.00
Physicians, three, to supplement total salaries of one to \$2,000 and of two to \$1,800 each per year	491.00	590.00
Total, Abilene State Hospital	\$ 1,465.00	\$ 1,760.00

AUSTIN STATE HOSPITAL.

	For the Years Ending	
	August 31, 1936	August 31, 1937
Salary of:		
Superintendent	\$ 708.00	\$ 850.00
Assistant Superintendent and Physician	266.00	320.00
Physicians, five, to supplement total salaries of two to \$2,000, and of three to \$1,800 each per year	875.00	1,050.00
Pathologist	250.00	300.00
Total, Austin State Hospital	\$ 2,099.00	\$ 2,520.00

AUSTIN STATE SCHOOL.

	For the Years Ending	
	August 31, 1936	August 31, 1937
Salary of:		
Superintendent	\$ 708.00	\$ 850.00
Assistant Superintendent and Physician	266.00	320.00
Physician and Pathologist	208.00	250.00
Physician	108.00	130.00
Psychiatrist-Psychologist	500.00	600.00
Total, Austin State School	\$ 1,790.00	\$ 2,150.00

GALVESTON STATE PSYCHOPATHIC HOSPITAL.

	For the Years Ending	
	August 31, 1936	August 31, 1937
Salary of:		
Superintendent	\$ 708.00	\$ 850.00
Assistant Superintendent and Physician	266.00	320.00
Physician	166.00	200.00
Resident psychiatrist	208.00	250.00
Resident psychiatrist for new building	65.00	130.00
Total, Galveston State Psychopathic Hospital	\$ 1,413.00	\$ 1,750.00

RUSK STATE HOSPITAL.

	For the Years Ending	
	August 31, 1936	August 31, 1937
Salary of:		
Superintendent	\$ 708.00	\$ 850.00
Assistant Superintendent and Physician ..	266.00	320.00
Physicians, six, to supplement total salaries of two to \$2,000, and of four to \$1,800 each per year	983.00	1,180.00
Total, Rusk State Hospital	\$ 1,957.00	\$ 2,350.00

SAN ANTONIO STATE HOSPITAL.

	For the Years Ending	
	August 31, 1936	August 31, 1937
Superintendent	\$ 708.00	\$ 850.00
Assistant Superintendent and Physician ..	266.00	320.00
Physicians, seven, to supplement total salaries of three to \$2,000, and of four to \$1,800 each per year	1,258.00	1,510.00
Total, San Antonio State Hospital	\$ 2,232.00	\$ 2,680.00

TERRELL STATE HOSPITAL.

	For the Years Ending	
	August 31, 1936	August 31, 1937
Salary of:		
Superintendent	\$ 708.00	\$ 850.00
Assistant Superintendent and Physician ..	266.00	320.00
Physicians, to supplement total salaries of two each to \$2,000, and of others to \$1,800 per year	875.00	1,180.00
Total, Terrell State Hospital	\$ 1,849.00	\$ 2,350.00

STATE TUBERCULOSIS SANATORIUM.

	For the Years Ending	
	August 31, 1936	August 31, 1937
Salary of:		
Superintendent	\$ 708.00	\$ 850.00
Assistant Superintendent and Physician ..	266.00	320.00
Physician for children's hospital	208.00	250.00
Physicians, six, to supplement total salaries of one to \$2,000, and of five to \$1,800 each per year	816.00	980.00
Total, State Tuberculosis Sanatorium	\$ 1,998.00	\$ 2,400.00

WICHITA FALLS STATE HOSPITAL.

	For the Years Ending	
	August 31, 1936	August 31, 1937
Salary of:		
Superintendent	\$ 708.00	\$ 850.00
Assistant Superintendent and Physician ..	266.00	320.00

	For the Years Ending	
	August 31, 1936	August 31, 1937
Physicians, six, to supplement total salaries of two to \$2,000, and of four to \$1,800 each per year _____	983.00	1,180.00
Total, Wichita Falls State Hospital \$	1,957.00	\$ 2,350.00

These appropriations, made for the purpose of supplementing the current maximum salary appropriations of certain officers and employees of certain State eleemosynary institutions, shall be paid subject to the approval of the State Board of Control and subject to all of the general provisions effective for the biennium ending August 31, 1937, now controlling and directing the manner and method of paying State-appropriated salaries of officers and employees at the State eleemosynary institutions, with the exception that the amounts herein appropriated are to be used to supplement salaries for the positions herein named and itemized, and the further exception that such supplemental-salary appropriations herein made for the fiscal year ending August 31, 1936, shall be paid in ten equal monthly installments, beginning with the month of November, 1935, and such amounts for the fiscal year ending August 31, 1937, shall be paid in twelve equal monthly installments. It is the purpose of this Act to supplement salaries of the superintendents and physicians hereinbefore listed in such manner that the same salary schedule as existed during the fiscal year ended August 31, 1933, shall be in effect from November 1, 1935, until September 1, 1937.

RECAPITULATION—SUPPLEMENTARY ELEEMOSYNARY APPROPRIATION.

	For the Years Ending	
	August 31, 1936	August 31, 1937
Abilene State Hospital _____ \$	1,465.00	\$ 1,760.00
Austin State Hospital _____	2,099.00	2,520.00
Austin State School _____	1,790.00	2,150.00
Galveston State Psychopathic Hospital _____	1,413.00	1,750.00
Rusk State Hospital _____	1,957.00	2,350.00
San Antonio State Hospital _____	2,232.00	2,680.00
Terrell State Hospital _____	1,849.00	2,350.00
State Tuberculosis Sanatorium _____	1,998.00	2,400.00
Wichita Falls State Hospital _____	1,957.00	2,350.00
Grand Totals _____ \$	16,760.00	\$ 20,310.00
Combined Grand Total for Biennium	\$37,070.00	

Sec. 2. If any section, sentence, clause, or part of this Act shall, for any reason, be held invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to the intention of the Legislature to have passed each sentence, section, clause, or part thereof, irrespective of the fact that any other sentence, section, clause, or part thereof may be declared invalid.

Sec. 3. The fact that the appropriations made and provided for the fiscal years of the current biennium did not provide increases in salaries for the officers and employees of the State Eleemosynary Institutions, except in several isolated instances, as were provided and appropriated for the higher educational institutions, State departments and other agencies of the government, and the fact that several of the State hospitals cannot obtain a sufficient number of capable physicians at the present appropriated low salaries for these positions, creates an emergency and an

imperative public necessity, requiring the Constitutional Rule that bills be read on three several days, be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Read and adopted.

BECK,
VAN ZANDT.

Amend S. B. No. 24 by striking out all above the enacting clause and inserting in lieu thereof the following:

**"A BILL
To Be Entitled**

An Act making appropriations to certain State eleemosynary institutions for the fiscal years ending August 31, 1936, and August 31, 1937, for the purpose of supplementing salaries of certain officers and employees; providing for the manner of supplementing said salaries; providing that if any section, clause, or part of the Act be held invalid, other sections and parts of the Act shall not be affected, and declaring an emergency."

BECK,
VAN ZANDT.

Read and adopted.

The committee report recommending that the bill be printed was adopted by unanimous consent.

The amendments were adopted.

The bill was read second time as amended and passed to engrossment.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 24 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Fellbaum. Stone.
Moore.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Nelson.	Woodruff.
Oneal.	

Nays— 1.

Hill.

Absent—Excused.

DeBerry. Moore.
Fellbaum.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives.
Austin, Texas, October 4, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 3, Providing for a Joint Session of the Senate and House in the Hall of the House of Representatives at 2 p. m., Monday, October 7, 1935, for the purpose of dedicating a portrait of the Hon. Jesse H. Jones.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 47.

By Senator Small:

S. B. No. 47, A bill to be entitled "An Act making emergency appropriation of \$16,628.00 to the West Texas State Teachers College at Canyon, Texas, for the purpose of purchasing supplies and furnishing labor for the laying of water and gas mains and furnishing electrical wiring and appliances to the Boys Dormitory and laying water, gas and sewer mains to the student cottages, located at said college, and purchasing and installing certain fire hydrants along said water mains, and the construction of a septic tank on such college premises and declaring an emergency."

Read and referred to the Committee on Finance.

Senate Bill No. 45.

Senator Hornsby received unanimous consent to suspend the regular order of business and take up S. B. No. 45.

By Senator Hornsby:

S. B. No. 45, A bill to be entitled "An Act creating a more efficient road law for Lampasas County, Texas, authorizing the court to require surety bonds of road overseers, validating the proceedings heretofore had by the County, and by its officials in reference to the issuance of warrants for the purchase of right of way, and validating the proceedings and other actions taken by the County and its officials in reference to the issuance of funding bonds in lieu of certain warrants, making this Act cumulative of other laws, except in case of conflict, in which instance this Act shall be effective, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 45 was put on its second reading by the following vote:

Yeas—29.

Beck.
Blackert.
Burns.
Collie.
Cotten.
Davis.
DeBerry.
Hill.
Holbrook.
Hopkins.
Hornsby.
Isbell.
Martin.
Neal.
Nelson.

Oneal.
Pace.
Poage.
Rawlings.
Redditt.
Regan.
Sanderford.
Shivers.
Small.
Stone.
Sulak.
Van Zandt.
Westerfeld.
Woodruff.

Absent—Excused.

Fellbaum.

Moore.

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 45 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.
Blackert.
Burns.
Collie.
Cotten.
Davis.
DeBerry.
Hill.
Holbrook.
Hopkins.
Hornsby.
Isbell.
Martin.
Neal.
Nelson.

Oneal.
Pace.
Poage.
Rawlings.
Redditt.
Regan.
Sanderford.
Shivers.
Small.
Stone.
Sulak.
Van Zandt.
Westerfeld.
Woodruff.

Absent—Excused.

Fellbaum.

Moore.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.
Blackert.
Burns.
Collie.
Cotten.
Davis.
Hill.
Holbrook.
Hopkins.

Hornsby.
Isbell.
Martin.
Neal.
Nelson.
Oneal.
Pace.
Poage.
Rawlings.

Redditt. Stone.
Regan. Sulak.
Sanderford. Van Zandt.
Shivers. Westerfeld.
Small. Woodruff.

Absent—Excused.

DeBerry. Moore.
Fellbaum.

Senate Bill No. 48.

Senator Neal received unanimous consent to suspend the regular order of business and sent up the following local bill:

By Senator Neal:

S. B. No. 48, A bill to be entitled "An Act granting aid to the property in and inhabitants of Hidalgo County, Texas, and to Hidalgo County made necessary by reason of its location on the Gulf Coast and by reason of calamitous overflows, floods, storms and freezes which cause great destruction of property and loss of life; remitting, releasing, granting and donating to the property in and inhabitants of said County and to Hidalgo County all State ad valorem taxes levied or to be levied on property in said County, including the rolling stock of railroads and three-fourths of the State occupation taxes, for the years 1924 to 1948, both inclusive; providing that if any part of this Act be held unconstitutional it shall not affect any other part of this Act; and declaring an emergency."

Read end referred to the Committee on Civil Jurisprudence.

Bills Set for Special Order.

Senator Redditt asked unanimous consent to set for special order Monday after the morning call, S. B. No. 23.

Unanimous consent was granted.

Senate Bill No. 26.

Senator Burns moved to set for special order S. B. No. 26, after the disposition of S. B. No. 23.

Senator Collie moved as a substitute to set for special order S. B. No. 14 in lieu of S. B. No. 26, Monday after the disposition of S. B. No. 23.

Point of Order.

Senator Burns raised the point of order that the substitute motion was not a proper substitute for the pending motion.

The Chair overruled the point of order.

The substitute motion prevailed by viva voce vote.

The motion, as substituted, was adopted by the following vote:

Yeas—28.

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.

Nays—1.

Poage.

Absent—Excused.

Fellbaum. Moore.

Senator Burns moved to set for special order S. B. No. 26, after the disposition of S. B. No. 14.

The motion prevailed by the following vote:

Yeas—19.

Beck.	Neal.
Blackert.	Nelson.
Burns.	Rawlings.
Cotten.	Regan.
Davis.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Isbell.	Sulak.
Martin.	

Nays—7.

Collie.	Poage.
DeBerry.	Westerfeld.
Oneal.	Woodruff.
Pace.	

Absent.

Hill.	Van Zandt.
Redditt.	

Absent—Excused.

Fellbaum. Moore.

Senator Hopkins moved to set for special order S. B. No. 33 immediately succeeding the disposition of S. B. No. 26.

The motion failed not having received the required two-thirds vote as shown by the following:

Yeas—18.

Beck.	Pace.
Blackert.	Rawlings.
Burns.	Redditt.
Cotten.	Regan.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Martin.	Stone.
Neal.	Woodruff.

Nays—10.

Collie.	Oneal.
Davis.	Poage.
DeBerry.	Sulak.
Hill.	Van Zandt.
Isbell.	Westerfeld.

Absent—Excused.

Fellbaum. Nelson.
Moore.

Resolutions Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following resolutions:

H. C. R. No. 8.
S. C. R. No. 3.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Department,
Austin, Texas, October 4, 1935.
To the Senate of the Forty-fourth Legislature (in First Called Session:)

I ask the advice, consent and confirmation of the Senate to the following appointments:

To be District Attorney of the 106th Judicial District:

Truett Smith, of Lynn County, to succeed G. H. Nelson, resigned.

To be Member of the Public Safety Commission:

D. D. Baker, of Guadalupe County, to succeed Ernest Goens, of Smith County, resigned.

Respectfully submitted,

JAMES V. ALLRED,
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

Senate Bill No. 17.

Recurring business was S. B. No. 17.

Senator Holbrook moved the engrossment of the bill.

Senator Oneal sent up the following amendment:

Amend S. B. No. 17 by striking out Section 9, sub-division 5, the words: "than is provided by law," and inserting in lieu thereof the following: "than eight (8) per centum per annum."

ONEAL.

Read and adopted.

Senator Burns sent up the following amendment:

Amend S. B. No. 17, page 4, after the word "publication" in line 28, by striking out all the rest of said Section.

BURNS.

Read.

Senator Holbrook sent up the following amendment to the amendment:

Add to the amendment: "Except as to such taxpayers whose names have been omitted from the published list."

HOLBROOK.

Point of Order.

Senator Holbrook raised the point of order that this amendment does indirectly that which was sought to be done on yesterday, by the amendment by Senator Sulak.

The Chair overruled the point of order.

Motion to Table.

Senator Burns moved to table the amendment by Senator Holbrook to the amendment.

Senator Holbrook withdrew his amendment to the Burns amend-

ment so as to allow Senator Collie to send up the following substitute for the Burns amendment:

Amend S. B. No. 17, line 30, page 4, by adding the following after the word "lien:" "except that where any person, firm or corporation's name is omitted from the publication through error the published notice shall be valid as to all others in such list but such notice shall be republished as to the name omitted in the first instance."

COLLIE.

Read and pending.

House Bill No. 97.

Senator Shivers received unanimous consent to suspend the regular order of business and take up H. B. No. 97.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 97, A bill to be entitled "An Act validating the organization of water control and improvement districts and validating all acts of the officials in creating such districts; and validating all bonds issued and all bonds voted but not yet issued by such districts; validating all acts of the officials of said districts and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Shivers the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 97 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Holbrook.
Blackert.	Hopkins.
Burns.	Hornsby.
Collie.	Isbell.
Cotten.	Martin.
Davis.	Neal.
DeBerry.	Nelson.
Hill.	Oneal.

Pace.	Small.
Poage.	Stone.
Rawlings.	Sulak.
Redditt.	Van Zandt.
Regan.	Westerfeld.
Sanderford.	Woodruff.
Shivers.	

Absent—Excused.

Fellbaum.	Moore.
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Laid on Table Subject to Call.

On motion of Senator Woodruff H. B. No. 97 was laid on the table subject to call, by unanimous consent.

Senate Bill No. 17.

Recurring business was S. B. No. 17.

Senator Burns withdrew his amendment to S. B. No. 17.

Senator Collie's pending substitute amendment became the original amendment.

Senator Rawlings sent up the following substitute for the Collie amendment:

Amend S. B. 17, page 4, by striking out Section 3.

RAWLINGS.

Read and pending.

Motion to Table.

Senator Holbrook moved to table the amendment by Senator Rawlings

to the amendment by Senator Collie.

Senator Rawlings had the floor to discuss his amendment.

Senator Holbrook was recognized and stated he would close on his motion to table.

Objection was heard.

Senator Holbrook asked unanimous consent to withdraw his motion to table.

Point of Order.

Senator Rawlings raised the point of order that the motion could not be withdrawn at this time.

The Chair, Senator Hill presiding, sustained the point of order.

The question recurred on the motion to table the pending amendment. The motion to table failed by the following vote:

Yeas—5.

Blackert.	Small.
Holbrook.	Van Zandt.
Pace.	

Nays—20.

Burns.	Nelson.
Collie.	Oneal.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Hill.	Sanderford.
Hornsby.	Shivers.
Isbell.	Sulak.
Martin.	Westerfeld.
Neal.	Woodruff.

Absent—Excused.

Beck.	Moore.
Fellbaum.	Poage.
Hopkins.	Stone.

Senator Holbrook yeilded to Senator Poage to send up the following resolution:

Senate Resolution No. 15.

Whereas, The Regular Session of the Legislature created a committee for the purpose of investigating certain irregularities and authorized and instructed said committee to conduct such investigations as it found necessary at any time prior to the convening of the Regular Session of the 45th Legislature, and to report to said Session; and

Whereas, Said Committee was authorized to pay the expenses of such investigation out of the contingent expense fund of the Regular Session of the 44th Legislature, and said fund was exhausted shortly after adjournment of such Regular Session, leaving a number of unpaid obligations of said committee; and

Whereas, Said committee has a considerable volume of unfinished work now pending;

Now, Therefore, Be It Resolved by the Senate of Texas, That all expenses of the investigating committee created by Senate Resolution No. 96 at the Regular Session of the 44th Legislature be paid from the contingent expense fund of the 44th Legislature, including any and all called sessions of such Legislature.

POAGE,
COLLIE,
DeBERRY,
HILL.

Read.

Senator Poage moved to suspend the rule requiring resolutions to be referred to a committee and that S. R. No. 15 be taken up at this time.

The motion prevailed.

S. R. No. 15 was adopted unanimously.

House Bill No. 97.

Senator Shivers called up H. B. No. 97 from the table and moved the final passage of the bill.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.
Nelson.	

Absent—Excused.

Moore.	Fellbaum.
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Senate Bill No. 17.

Recurring business was S. B. No. 17.

Senator Woodruff moved that the Senate order the previous question on further discussion of S. B. No. 17.

The motion was seconded by the required number.

The motion lost by the following vote:

Yeas—7.

Davis.	Pace.
Holbrook.	Van Zandt.
Hornsby.	Woodruff.
Nelson.	

Nays—21.

Blackert.	Hopkins.
Burns.	Isbell.
Collie.	Martin.
Cotten.	Neal.
DeBerry.	Oneal.
Hill.	Poage.

Rawlings.	Small.
Redditt.	Stone.
Regan.	Sulak.
Sanderford.	Westerfeld.
Shivers.	

Absent—Excused.

Beck.	Moore.
Fellbaum.	

Motion to Recess.

Senator Van Zandt at 12:05 o'clock p. m. moved that the Senate recess until 2 o'clock p. m.

Senator DeBerry objected.

Senate Bill No. 17.

Recurring business was S. B. No. 17.

Senator Holbrook had the floor on discussion of the bill.

Motion to Adjourn.

Senator Sanderford moved at 12:50 o'clock p. m. that the Senate adjourn until 10 o'clock a. m. Monday.

Motion to Recess.

Senator Van Zandt moved that the Senate recess until 10 o'clock a. m. Saturday.

Senator Woodruff moved that the Senate recess until 3 p. m. today.

Adjournment.

The motion to adjourn prevailed by the following vote:

Yeas—14.

Burns.	Rawlings.
Davis.	Redditt.
Hill.	Regan.
Hopkins.	Sanderford.
Isbell.	Shivers.
Neal.	Stone.
Pace.	Westerfeld.

Nays—13.

Blackert.	Nelson.
Collie.	Oneal.
Cotten.	Poage.
DeBerry.	Sulak.
Holbrook.	Van Zandt.
Hornsby.	Woodruff.
Martin.	

Absent.

Small.

Absent—Excused.

Beck.	Moore.
Fellbaum.	

APPENDIX.**Committee on Engrossed Bills.**

Committee Room,

Austin, Texas, Oct. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 45 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Oct. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 3 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Oct. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 23,

Have had the same under consideration, and beg to report same back to the Senate with the recommendation that it do not pass, but that Committee Substitute for Senate Bill No. 23 do pass in the form and manner written, and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Oct. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 32, A bill to be entitled "An Act making appropriations for the Bureau of Labor Statistics for the purpose of supervising employment agencies and the distribution of farm labor, including salaries and other necessary expenses, for each of the fiscal years ending

August 31, 1936, and August 31, 1937, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Oct. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 35, A bill to be entitled "An Act making an appropriation to make certain repairs to the roof, skylights and interior of the State Capitol Building; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that same do pass, and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Oct. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 37, A bill to be entitled "An Act making an appropriation of Seventy-five Thousand (\$75,000.00) dollars or so much thereof as may be necessary to be used by the State Reclamation Department for the making of topographic and hydrographic surveys, assembling necessary data, and defraying the expense of publication of maps, reports, and data gathered and assembled by the aforesaid topographic and hydrographic surveys for the public use, of certain areas and lands within the State where the reclaiming and draining of said areas and lands is being delayed and prevented because of the lack of such maps, reports and data; making it possible for the State Reclamation Department to co-operate with certain Federal and State agencies to the end that the maximum amount of Federal aid may be obtained for the performance of said surveys; for the continuation of the campaign for the control and prevention of malaria; to assist and expedite the planning and devising of compre-

hensive plans of reclamation, drainage, and malaria control, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that same do pass, and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Oct. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 40, A bill to be entitled "An Act making an appropriation to pay judgments of the district and county courts refunding to the heirs, devisees, legatees or legal representatives of deceased persons, whose estates have escheated to the State, such sums of money belonging to such escheated estates as have been paid into the Public Treasury; authorizing the payment of such claims on the taking effect of this Act and the filing with the Comptroller of such a copy of the order of the court under seal of the court, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that same do pass and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Oct. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 43, A bill to be entitled "An Act appropriating Fifteen Thousand (\$15,000.00) Dollars for the construction and equipment of co-operative cottage dormitories on the campus of the Texas State College for Women, at Denton, Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that same do pass, and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Oct. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 46, A bill to be entitled "An Act to aid Wharton County comprising one district and that portion of Matagorda County embraced in Commissioners' Precinct Numbers One, Two and Four as described in the minutes of the commissioners' court of said county, comprising another district for the remaining portion of the period of time covered by the release of taxes to said district as made by Chapter 48, Acts Thirty-eighth Legislature, First, Second and Third Called Sessions, page 102 to 105 (Senate Bill No. 54) by donating and appropriating to said districts all the State ad valorem taxes levied and collected in said districts for general State purposes on all property, both real and personal, in said districts for the purpose of creating a fund for the payment of interest upon and creating a sinking fund for that certain issue or issues of bonds that were voted and issued under the authority of Chapter 48, Acts Thirty-eighth Legislature, First, Second and Third Called Sessions and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Oct. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 47, A bill to be entitled "An Act making emergency appropriation of \$16,628.00 to the West Texas State Teachers College at Canyon, Texas, for the purpose of purchasing supplies and furnishing labor for the laying of water and gas mains and furnishing electrical wiring and appliances to the Boys Dormitory and laying water, gas and sewer mains to the student cottages, located at said college, and purchasing and installing certain fire hydrants along said water mains, and the construction of a septic tank on such college premises and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Oct. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. C. R. No. 5, Granting W. M. Rousseau permission to sue the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that same do pass, and be not printed.

REDDITT, Chairman.

Committee Room,

Austin, Texas, Oct. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 14, A bill to be entitled "An Act relating to the compensation of district, and certain designated county and precinct officers and providing the method and means by which such officers shall be compensated, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do not pass, but that the committee substitute in lieu thereof do pass, and that the committee substitute only be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 4, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 39, A bill to be entitled "An Act fixing the compensation of district attorneys in certain judicial districts in counties containing a population of not less than 77,777 and not more than 100,000 inhabitants as shown by the last preceding federal census, which such counties comprise within themselves two or more judicial districts; providing

that this Act shall not deprive such District Attorneys of their expense allowances; providing for the disposition of fees, commissions and perquisites earned and collected by such district attorneys; providing that nothing in this Act shall affect the laws now in existence with reference to assistant district attorneys, investigators and stenographers in such districts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 3, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred Senate Concurrent Resolution No. 4, a resolution "Permitting M. H. C. Brannon, and wife, Joe Brannon, to sue the State."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,

Austin, Texas, Oct. 3, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 18, A bill to be entitled "An Act requiring licenses for the operation, maintenance, opening or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, and the disposition thereof, providing for certain exceptions, and fixing the powers and duties of the Comptroller of Public Accounts in connection therewith; making an appropriation; defining stores; defining certain violations to be offenses; prescribing penalties for the violation thereof; providing if any part of this Act is declared unconstitutional or invalid, it shall not affect the validity of the remainder of the Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that the bill with Committee Amendments Nos. 1 and 2 do pass and be printed.

PACE, Chairman.

Committee Amendment No. 1.

A BILL

to be entitled

An Act requiring licenses for the operation, maintenance, opening or establishment of stores in this State, prescribing the license and filing fees to be paid therefor, and the disposition thereof, providing for certain exceptions, and fixing the powers and duties of the Comptroller of Public Accounts in connection therewith; making an appropriation; defining stores; defining certain violations to be offenses; prescribing penalties for the violation thereof; providing if any part of this Act is declared unconstitutional or invalid, it shall not affect the validity of the remainder of the Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That from and after the passage of this Act it shall be unlawful for any person, agent, receiver, trustee, firm, corporation, association, or co-partnership either foreign or domestic, to operate, maintain, open or establish any store or mercantile establishment in this State without first having obtained a license so to do from the Comptroller of Public Accounts as hereinafter provided.

Sec. 2. Any person, agent, receiver, trustee, firm, corporation, association or copartnership desiring to operate, maintain, open or establish a store or mercantile establishment in this State shall apply to the Comptroller of Public Accounts for a license so to do. The application for a license shall be made on a form which shall be prescribed and furnished by the Comptroller of Public Accounts and shall set forth the name of the owner, manager, trustee, lessee, receiver, or other person desiring such license, the name of such store or mercantile establishment, the location, including the street number of such store, or mercantile establishment, and such other facts and information as the Comptroller

of Public Accounts may require. If the applicant desires to operate, maintain, open or establish more than one such store or mercantile establishment, such applicant shall make application for a license to operate, maintain, open or establish each such store or mercantile establishment, but the respective stores or mercantile establishments for which the applicant desires to secure licenses may all be listed on one application blank.

It is hereby made the further duty of the Comptroller to collect, supervise, and enforce the collection of all license and application fees that may be due under the provisions of this Act and to that end the said Comptroller is hereby vested with all of the power and authority conferred by this Act. The Comptroller is further authorized and empowered to promulgate rules and regulations to provide for the collection of the amount of license and application fees due under the provisions of this Act and on the effective date of this Act.

Each application shall be accompanied by a filing fee of Fifty (50) cents for each store or mercantile establishment operated or to be operated for the purpose of defraying the cost of the administration of this Act.

Each application shall be signed and sworn to be the applicant as being true and correct, before an officer authorized to administer oaths, and may contain such other information as the applicant may wish to include, or as the Comptroller may require.

Sec. 3. As soon as practicable, after the receipt of any such application, the Comptroller of Public Accounts shall carefully examine such application to ascertain whether it is in proper form and contains the necessary and requisite information. If upon such examination, the Comptroller of Public Accounts shall find that any such application is not in proper form and does not contain the necessary and requisite information, he shall return such application for correction. If an application is found to be satisfactory, and if the filing and license fee as herein prescribed shall have been paid, the Comptroller of Public Accounts shall issue to the applicant a license for

each store or mercantile establishment for which an application for a license shall have been made. Each licensee shall display the license so issued in a conspicuous place in the store or mercantile establishment for which such license is issued.

Sec. 4. All licenses shall be so issued as to expire on the 31st day of December of each year. On or before the 31st day of December of each year, every person, agent, receiver, trustee, firm, corporation, association or copartnership having a license shall apply to the Comptroller of Public Accounts for a renewal license for the calendar year next ensuing. All applications for renewal licenses shall be made on forms which shall be prescribed and furnished by the Comptroller of Public Accounts. Each such application for a renewal license shall be accompanied by a filing fee of Fifty (50) Cents for each store or mercantile establishment operated or to be operated and by the license fee as prescribed in Section 5 of this Act.

Sec. 5. Every person agent, receiver, trustee, firm, corporation, association or copartnership opening, establishing, operating, or maintaining one or more stores or mercantile establishments within this State, under the same general management; or ownership, shall pay the license fees hereinafter prescribed for the privilege of opening, establishing, operating or maintaining such stores or mercantile establishments. The license fee herein prescribed shall be paid annually and shall be in addition to the filing fee prescribed in Sections 2 and 4 of this Act. Provided that the terms, "store, stores, mercantile establishment or mercantile establishments" wherever used in this Act, shall not include: wholesale and/or retail lumber and building material businesses; or any place or business at which the principal business conducted is the storing, selling or distributing of petroleum products; or any business now paying an occupation tax measured by gross receipts; or any place or places or business used as bona fide wholesale distributing points by manufacturing concerns for distribution of products of their own manufacture only; or

any place or places of business used by bona fide processors of dairy products for the exclusive sale at retail of such products.

The license fees herein prescribed shall be as follows:

(1) Upon one (1) store the license fee shall be One Dollar _____ (\$1.00)

(2) Upon each additional store in excess of one (1) but not to exceed two (2), the license fee shall be Six Dollars _____ (\$6.00)

(3) Upon each additional store in excess of two (2) but not to exceed five (5), the license fee shall be Twenty-five Dollars _____ (\$25.00)

(4) Upon each additional store in excess of Five (5) but not to exceed ten (10), the license fee shall be Fifty Dollars _____ (\$50.00)

(5) Upon each additional store in excess of ten (10) but not to exceed twenty (20), the license fee shall be One Hundred Fifty Dollars _____ (\$150.00)

(6) Upon each additional store in excess of twenty (20) but not to exceed thirty-five (35), the license fee shall be Two Hundred Fifty Dollars _____ (\$250.00)

(7) Upon each additional store in excess of thirty-five (35) but not to exceed fifty (50), the license fee shall be Five Hundred Dollars _____ (\$500.00)

(8) Upon each additional store in excess of fifty (50), the license fee shall be Seven Hundred Fifty Dollars _____ (\$750.00)

Such fees are for the period of twelve months, and upon the issuance of any license after the First day of January of any one year, there shall be collected such fractional part of the license hereinabove fixed as the remaining months in the calendar year (including the month in which such license is issued) bears to the twelve month period.

Sec. 6. The provisions of this Act shall be construed to apply to every person, agent, receiver, trustee, firm, corporation, copartnership or association, either domestic or foreign which is controlled or held with others by majority stock ownership or ultimately controlled or directed by one management or association of ultimate management.

Sec. 7. The term "store" as used in this Act shall be construed to mean and include any store or stores or any mercantile establishment or establishments not specifically exempted within this Act which are owned, operated, maintained, or controlled by the same person, agent, receiver, trustee, firm, corporation, copartnership or association, either domestic or foreign, in which goods, wares or merchandise of any kind are sold, at retail or wholesale.

Sec. 8. Any person who, either for himself or as the agent of any person, receiver, trustee, firm, corporation, copartnership or association, shall operate or maintain any store or stores or mercantile establishment or mercantile establishments as defined in this Act without having displayed in a conspicuous place in such store or mercantile establishment the license fee receipt for the current year as required in this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Twenty-five (\$25.00) Dollars, nor more than One Hundred (\$100.00) Dollars, and each day of such violation shall constitute a separate and distinct offense.

Sec. 9. The expenses incurred by the Comptroller of Public Accounts in the administration of this Act shall not exceed the amount received by him as application fees as herein provided. All monies collected by the Comptroller of Public Accounts under the provisions of this Act shall be paid by him into the State Treasury daily as received; one-fourth of same shall be credited to the account of the Available School Fund and the remainder shall be credited to the account of the General Fund.

No salary paid in the administration of this Act shall be in excess of the amount of salary provided by the Legislature in the General Appropriation Bill for the same or similar services.

There is hereby appropriated the sum of Five Thousand (\$5,000.00) Dollars out of any funds in the State Treasury not otherwise appropriated to be used for the purpose of defraying the expenses of the enforcement of this Act.

Sec. 10. The Comptroller of Public Accounts is hereby authorized to employ such clerical assistants as may be necessary to carry out and administer the provisions of this Act, and to prepare such blanks, forms, reports, receipts and any and all other things which may be necessary to provide for the administration of this Act.

Sec. 11. If any section, provision, phrase or clause of this Act should be declared invalid, such invalidity shall not be construed to affect the portions of the Act not so held invalid.

Sec. 12. The fact that the State is badly in need of additional revenue constitutes an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in the House be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Adopted by viva voce vote.

Committee Room,
Austin, Texas, Oct. 3, 1935.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 52, A bill to be entitled "An Act amending Subdivision (h), Section 5, Chapter 116, Acts Forty-third Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PACE, Chairman.

Committee Room,
Austin, Texas, Oct. 4, 1935.
Hon. Walter W. Woodul, President
of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 45, A bill to be entitled "An Act creating a more efficient road law for Lampasas County, Texas, authorizing the court to require surety bonds of road overseers, validating the proceedings heretofore had by the county, and by its officials in reference to the issuance of warrants for the purchase of right of

way, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, Oct. 3, 1935.
Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 97, A bill to be entitled "An Act validating the organization of Water Control and Improvement Districts and validating all acts of the officials in creating such districts; and validating all bonds issued and all bonds voted but not yet issued by such districts; validating all acts of the officials of said district and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

SMALL, Chairman.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,
October 7, 1935.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem. Will M. Martin.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Nelson.
Blackert.	Oneal.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Isbell.	Van Zandt.
Martin.	Westerfeld.
Neal.	Woodruff.